

## Message Text

PAGE 01 STATE 170838

64

ORIGIN IO-02

INFO OCT-01 EUR-01 ISO-00 /004 R

66602

DRAFTED BY: IO/JBAKER

APPROVED BY: IO/SA:MM

----- 012017

R 211655Z JUL 75

FM SECSTATE WASHDC

TO USMISSION NATO

LIMITED OFFICIAL USE STATE 170838

USNATO FOR AMB BLAKE

FOLLOWING SENT ACTION USUN, INFO CAIRO, TEL AVIV, DAMASCUS,  
GENEVA, JULY 19, FROM SECSTATE RPTD TO YOU:

QUOTE LIMITED OFFICIAL USE STATE 170838

E.O. 11652: N/A

TAGS: UN

SUBJECT:U.S. POSITION ON LEGAL REQUIREMENTS FOR  
SUSPENSION OF A UN MEMBER STATE

1. IN RESPONSE TO WALDHEIM'S INFERENCE TO THE PRESS ON  
JULY 16 THAT THE GENERAL ASSEMBLY ITSELF, AS MATTER OF  
ITS OWN BUSINESS, CAN SUSPEND A MEMBER STATE, THOUGH IT IS  
BOUND BY THE CHARTER, YOU SHOULD GIVE THE SYG A NOTE  
WITH THE FOLLOWING TEXT IN MAKING THE DEMARCHE REQUESTED  
SEPTEL.

2. BEGIN TEXT:

IN VIEW OF PUBLIC QUESTIONS THAT HAVE BEEN RAISED  
ABOUT THE CIRCUMSTANCES IN WHICH THE GENERAL ASSEMBLY  
LIMITED OFFICIAL USE  
LIMITED OFFICIAL USE

PAGE 02 STATE 170838

OF THE UNITED NATIONS MAY LEGALLY SUSPEND A MEMBER  
FROM THE RIGHTS AND PRIVILEGES OF MEMBERSHIP, OR IN  
WHICH IT MAY EXPEL A MEMBER FROM THE ORGANIZATION, THE  
GOVERNMENT OF THE UNITED STATES WISHES TO SET FORTH ITS

POSITION ON THE LEGAL REQUIREMENTS FOR SUSPENSION OF THE RIGHTS AND PRIVILEGES OF A MEMBER OR THE EXPULSION OF A MEMBER FROM THE UNITED NATIONS.

IN THE VIEW OF THE UNITED STATES, A MEMBER OF THE UNITED NATIONS MAY LEGALLY BE DEPRIVED OF THE EXERCISE OF THE RIGHTS AND PRIVILEGES OF MEMBERSHIP, OR EXPELLED, ONLY IN ACCORDANCE WITH ARTICLES 5, 6 AND 19 OF THE UNITED NATIONS CHARTER.

ARTICLE 5 ALLOWS THE GENERAL ASSEMBLY TO SUSPEND FROM THE EXERCISE OF THE RIGHTS AND PRIVILEGES OF MEMBERSHIP ONLY MEMBERS "AGAINST WHICH PREVENTIVE OR ENFORCEMENT ACTION HAS BEEN TAKEN BY THE SECURITY COUNCIL" AND ONLY "UPON THE RECOMMENDATION OF THE SECURITY COUNCIL." IN ACCORDANCE WITH ARTICLE 18, PARAGRAPH 2 OF THE CHARTER, A TWO-THIRDS VOTE OF THE ASSEMBLY IS THEN REQUIRED BECAUSE THE SUSPENSION OF THE RIGHTS AND PRIVILEGES OF MEMBERSHIP IS SPECIFIED TO BE AN "IMPORTANT QUESTION".

ARTICLE 6 PERMITS EXPULSION FROM THE ORGANIZATION OF A MEMBER ONLY IF THAT MEMBER HAS PERSISTENTLY VIOLATED THE PRINCIPLES OF THE CHARTER AND ONLY UPON THE RECOMMENDATION OF THE SECURITY COUNCIL. ARTICLE 19 PROVIDES THAT A MEMBER OF THE UNITED NATIONS SHALL HAVE NO VOTE IN THE GENERAL ASSEMBLY, UNLESS SPECIFICALLY PERMITTED BY THE ASSEMBLY, IF THAT MEMBER IS IN ARREARS IN THE PAYMENT OF ITS FINANCIAL CONTRIBUTIONS TO THE ORGANIZATION IN AN AMOUNT EQUAL TO OR EXCEEDING THE AMOUNT DUE FROM IT FOR THE PRECEDING TWO FULL YEARS. IT IS PLAIN THAT ARTICLE 19 MAY BE INVOKED ONLY WHEN A MEMBER IS IN THE REQUISITE ARREARS. NO OTHER CONDITION FOR SUSPENSION OF A MEMBER'S VOTE IN THE GENERAL ASSEMBLY IS PROVIDED FOR BY THE CHARTER.

THE FACT THAT SUSPENSION OR EXPULSION UNDER ARTICLES 5 AND 6 OF THE CHARTER REQUIRES THE PRIOR RECOMMENDATION  
LIMITED OFFICIAL USE  
LIMITED OFFICIAL USE

PAGE 03 STATE 170838

OF THE SECURITY COUNCIL IN FAVOR OF SUCH ACTION IS NOT OPEN TO DISPUTE. THIS WAS CONFIRMED BY THE INTERNATIONAL COURT OF JUSTICE IN ITS ADVISORY OPINION ON THE COMPETENCE OF THE GENERAL ASSEMBLY FOR THE ADMISSION OF A STATE TO THE UNITED NATIONS, I.C.J. REPORTS, 1950. WHILE THAT OPINION DEALS LARGELY WITH ADMISSION, RATHER THAN SUSPENSION OR EXPULSION, OF A MEMBER, IT INTERPRETS THE IDENTICAL PROVISION OF ARTICLE 4 FOR ADMISSION -- A DECISION OF THE GENERAL ASSEMBLY "UPON THE RECOMMENDATION OF THE SECURITY COUNCIL" -- IN TERMS WHICH EXPRESSLY PLACE THE CO-OPERATIVE ACTION OF THE SECURITY COUNCIL AND THE GENERAL ASSEMBLY UNDER ARTICLES

4. 5 AND 6 OF THE CHARTER ON THE SAME PLANE. THE COURT HELD THE PRIOR AFFIRMATIVE RECOMMENDATION OF THE SECURITY COUNCIL TO BE "INDISPENSABLE"; THAT THE RECOMMENDATION OF THE SECURITY COUNCIL IS THE CONDITION PRECEDENT TO THE DECISION OF THE ASSEMBLY.

THE FOREGOING CONSIDERATIONS ARE NOT AFFECTED BY THE AUTHORITY OF THE GENERAL ASSEMBLY TO PASS UPON THE CREDENTIALS OF REPRESENTATIVES OF A MEMBER. THE CREDENTIALS PROCEDURES CONTAINED IN CHAPTER IV OF THE GENERAL ASSEMBLY'S RULES OF PROCEDURE CANNOT LEGITIMATELY BE EMPLOYED TO CIRCUMVENT THE EXCLUSIVE PROVISIONS OF THE CHARTER GOVERNING SUSPENSION, IN ORDER TO DEPRIVE A MEMBER OF THE EXERCISE OF ITS RIGHTS AND PRIVILEGES OF MEMBERSHIP, INCLUDING THE RIGHT TO PARTICIPATE FULLY IN MEETINGS OF THE GENERAL ASSEMBLY. THIS CONCLUSION IS ELABORATED BY THE OPINION OF THE LEGAL COUNSEL OF THE UNITED NATIONS OF 11 NOVEMBER 1970 ON THE SCOPE OF CREDENTIALS IN RULE 27 OF THE ASSEMBLY'S RULES OF PROCEDURE. THE LEGAL COUNSEL CONCLUDED:

"THE PARTICIPATION IN MEETINGS OF THE GENERAL ASSEMBLY IS QUITE CLEARLY ONE OF THE IMPORTANT RIGHTS AND PRIVILEGES OF MEMBERSHIP. SUSPENSION OF THIS RIGHT THROUGH THE REJECTION OF CREDENTIALS WOULD NOT SATISFY THE FOREGOING REQUIREMENTS (OF ARTICLE 5) AND WOULD THEREFORE BE CONTRARY TO THE CHARTER."

LIMITED OFFICIAL USE  
LIMITED OFFICIAL USE

PAGE 04 STATE 170838

- THE PROPER ROLE OF THE CREDENTIALS COMMITTEE OF THE GENERAL ASSEMBLY IS TO JUDGE WHETHER THE CREDENTIALS SUBMITTED BY A DELEGATION ARE IN ORDER: NAMELY, WHETHER THE INDIVIDUALS SUBMITTING THE CREDENTIALS ARE THOSE NAMED THEREIN, WHETHER THE CREDENTIALS WERE SIGNED BY THE HEAD OF STATE OR FOREIGN MINISTER OF THE COUNTRY IN QUESTION, AND WHETHER THE SIGNATURES ARE AUTHENTIC. THE POLICIES OF THE GOVERNMENT SUBMITTING CREDENTIALS FOR ITS DELEGATION ARE NOT A LEGITIMATE OR APPROPRIATE CONSIDERATION IN THE PROCESS OF PASSING UPON CREDENTIALS.

THE GOVERNMENT OF THE UNITED STATES THUS REGARDS PRECLUSION OF THE REPRESENTATIVES OF A MEMBER FROM PARTICIPATION IN THE GENERAL ASSEMBLY BY MEANS OF REJECTION OF CREDENTIALS, WHEN THOSE CREDENTIALS FULFILL THE FOREGOING REQUIREMENTS, AS CONSTITUTING DEPRIVATION

OF A MEMBER OF A PARAMOUNT PRIVILEGE AND RIGHT OF MEMBERSHIP IN THE UNITED NATIONS IN VIOLATION OF THE

CHARTER AND OF THE GENERAL ASSEMBLY'S RULES OF PROCE-  
DURE. IT ACCORDINGLY TRUSTS THAT THE SECRETARY-GENERAL  
AND HIS STAFF WILL IN THIS MATTER EXERCISE ALL APPRO-  
-PRIATE EFFORTS TO ENCOURAGE ADHERENCE BY THE MEMBERSHIP  
TO THE CHARTER AND RULES OF PROCEDURE. END TEXT. KISSINGR  
UNQUOTE. KISSINGER

LIMITED OFFICIAL USE

<< END OF DOCUMENT >>

## Message Attributes

**Automatic Decaptioning:** X  
**Capture Date:** 26 AUG 1999  
**Channel Indicators:** n/a  
**Current Classification:** UNCLASSIFIED  
**Concepts:** EXPULSION, FOREIGN POLICY POSITION, MEMBERSHIP REQUIREMENTS, INTERNATIONAL ORGANIZATIONS  
**Control Number:** n/a  
**Copy:** SINGLE  
**Draft Date:** 21 JUL 1975  
**Decaption Date:** 01 JAN 1960  
**Decaption Note:**  
**Disposition Action:** RELEASED  
**Disposition Approved on Date:**  
**Disposition Authority:** CunninFX  
**Disposition Case Number:** n/a  
**Disposition Comment:** 25 YEAR REVIEW  
**Disposition Date:** 28 MAY 2004  
**Disposition Event:**  
**Disposition History:** n/a  
**Disposition Reason:**  
**Disposition Remarks:**  
**Document Number:** 1975STATE170838  
**Document Source:** ADS  
**Document Unique ID:** 00  
**Drafter:** IO/JBAKER  
**Enclosure:** n/a  
**Executive Order:** N/A  
**Errors:** n/a  
**Film Number:** D750251-1138  
**From:** STATE  
**Handling Restrictions:** n/a  
**Image Path:**  
**ISecure:** 1  
**Legacy Key:** link1975/newtext/t197507106/baaaapty.tel  
**Line Count:** 171  
**Locator:** TEXT ON-LINE, TEXT ON MICROFILM  
**Office:** ORIGIN IO  
**Original Classification:** LIMITED OFFICIAL USE  
**Original Handling Restrictions:** n/a  
**Original Previous Classification:** n/a  
**Original Previous Handling Restrictions:** n/a  
**Page Count:** 4  
**Previous Channel Indicators:**  
**Previous Classification:** LIMITED OFFICIAL USE  
**Previous Handling Restrictions:** n/a  
**Reference:** n/a  
**Review Action:** RELEASED, APPROVED  
**Review Authority:** CunninFX  
**Review Comment:** n/a  
**Review Content Flags:**  
**Review Date:** 30 APR 2003  
**Review Event:**  
**Review Exemptions:** n/a  
**Review History:** RELEASED <30 APR 2003 by MartinML>; APPROVED <07 NOV 2003 by CunninFX>  
**Review Markings:**

Margaret P. Grafeld  
Declassified/Released  
US Department of State  
EO Systematic Review  
06 JUL 2006

**Review Media Identifier:**  
**Review Referrals:** n/a  
**Review Release Date:** n/a  
**Review Release Event:** n/a  
**Review Transfer Date:**  
**Review Withdrawn Fields:** n/a  
**Secure:** OPEN  
**Status:** NATIVE  
**Subject:** n/a  
**TAGS:** PORG, XX, US, UNGA  
**To:** NATO  
**Type:** TE  
**Markings:** Margaret P. Grafeld Declassified/Released US Department of State EO Systematic Review 06 JUL 2006